

## **EXHIBIT 1**

DJF:TSJ:GMT:cer

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JUSAMUEL RODRIGUEZ</b>	:	<b>Civil No. 1:17-cv-1011</b>
<b>MCCREARY, et al.,</b>	:	
<b>Plaintiffs.</b>	:	
	:	<b>(Wilson, J.)</b>
<b>v.</b>	:	
	:	
<b>FEDERAL BUREAU OF PRISONS,:</b>	:	
<b>et al.,</b>	:	
<b>Defendants</b>	:	

**DEFENDANTS' RESPONSES AND OBJECTIONS TO  
PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS  
CONCERNING CLOSURE OF SPECIAL MANAGEMENT UNIT**

Defendants hereby respond to Plaintiffs' requests for production of documents concerning the closure of the Special Management Unit at the United States Penitentiary Lewisburg (USP Lewisburg) as follows:

**PRELIMINARY STATEMENT**

Defendant's responses to these document requests are based on information presently available. Defendant reserves the right to make changes and/or supplement these responses at a later time to correct omissions, to reflect more accurate information and/or documents, as provided by Rule 26 of the Federal Rules of Civil Procedure.

## **GENERAL OBJECTIONS**

1. All responses and objections are based on upon such information and documents that are presently available and specifically known to the defendants. All responses and objections are provided without prejudice to presenting further information, evidence, or analyses not yet identified, obtained, or completed.

2. The defendants object to these document requests to the extent they seek documents protected by any privilege, doctrine or immunity, including but not limited to the attorney-client privilege, the work product doctrine, and any other applicable privilege recognized by common law, statutes, or rules of evidence. To the extent the defendants inadvertently provide any privileged information, such inadvertent disclosure shall not be a waiver of protection. The defendants expressly reserve the right to object to the use of any privileged information in this or any other litigation.

3. These general objections are incorporated by reference into each of the specific responses below as if fully set forth therein.

### Relevant Definitions

- “CMU” means a Communications Management Unit.
- All other terms shall have the definition provided for in Plaintiffs’ First Set of Interrogatories and Requests for Production.

\* \* \* \* \*

### REQUEST No. 1:

Provide Documents sufficient to show the BOP’s plans related to the closure of the SMU at USP Lewisburg and transfer of Represented Prisoners and any other SMU Prisoners from USP Lewisburg to other institutions.

### OBJECTION TO REQUEST No. 1:

Defendants object to this request because it does not seek relevant information concerning the claims presented in the complaint. *See Fed. R. Civ. P. 26(b)(2).* Further, responsive documents concerning the closure of the Special Management Unit at United States Penitentiary Lewisburg may be covered by the deliberative process privilege.

### RESPONSE TO REQUEST No. 1:

However, in a good faith effort, responsive information is contained in the previously filed Declaration of Erin Frymoyer with attachments that is provided again with this response for convenience.

**REQUEST No. 2:**

Provide Documents sufficient to show the transition of the SMU to a CMU located at USP Lewisburg.

**OBJECTION TO REQUEST No. 2:**

Defendants object to this request because it does not seek relevant information concerning the claims presented in the complaint. *See Fed. R. Civ. P. 26(b)(2)*. Further, responsive documents concerning the closure of the Special Management Unit at United States Penitentiary Lewisburg may be covered by the deliberative process privilege.

**RESPONSE TO REQUEST No. 2:**

However, in a good faith effort, responsive information is contained in the previously filed Declaration of Erin Frymoyer with attachments that is provided again with this response for convenience.

**REQUEST No. 3:**

Provide Documents sufficient to show the reason for the closure of the SMU at USP Lewisburg and that the SMU at Lewisburg will not reopen in the future.

**OBJECTION TO REQUEST No. 3:**

Defendants object to this request because it does not seek relevant information concerning the claims presented in the complaint. *See Fed. R. Civ. P. 26(b)(2)*. Further, responsive documents concerning the closure of the Special Management Unit at United States Penitentiary Lewisburg may be covered by the deliberative process privilege.

**RESPONSE TO REQUEST No. 3:**

However, in a good faith effort, responsive information is contained in the following news article:

[https://www.bop.gov/resources/news/20180606\\_tom\\_mission.jsp](https://www.bop.gov/resources/news/20180606_tom_mission.jsp)

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Date: March 5, 2020

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	:	
<b>FEDERAL BUREAU OF PRISONS,:</b>	:	
<b>et al.,</b>	:	
<b>Defendants</b>	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That on this 5th day of March, 2020, she served a copy of the foregoing

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by placing said copy in a postage prepaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and its contents in the United States Mail at Williamsport, Pennsylvania, and also via email.

**Attorneys for Plaintiffs**

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